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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

THEODORE GLASPIE, JR. and  
PATSY GLASPIE,

Plaintiffs,

v.

C. R. BARD, INC. and BARD PERIPHERAL  
VASCULAR, INC.,

Defendants.

CASE NO. 2:21-cv-01480-APG-BNW

**STIPULATION AND [PROPOSED]  
ORDER TO STAY**

Plaintiffs Theodore Glaspie Jr. and Patsy Glaspie (“Plaintiffs”) and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (“Defendants”) (Plaintiffs and Defendants are collectively referred to herein as the “Parties”) pursuant to Fed R. Civ. P. 26 and this Court’s inherent powers, respectfully request that this Court enter an Order temporarily staying discovery and all pretrial deadlines imposed by the Court, the Local Rules, and the Federal Rules of Civil Procedure for ninety (90) days to permit the parties to finalize a settlement for all claims.

**I. BACKGROUND**

Plaintiffs filed the Complaint in this action on August 10, 2021 claiming injuries related to the purported implantation of an Inferior Vena Cava (“IVC”) filter allegedly manufactured by Defendants. (ECF No. 1). Defendants filed their Answer on September 2, 2021. (ECF No. 7). The parties have not yet conducted discovery but have reached an agreement in principle to resolve all claims. As such, the Parties hereby jointly move this Court to enter a stay of all discovery and pretrial

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1 deadlines in this case for a period of ninety (90) days.

## 2 **II. ARGUMENTS AND AUTHORITIES**

### 3 **A. This Court Has Authority to Grant the Requested Stay**

4 Pursuant to Federal Rules of Civil Procedure 6(b) and 26, and this Court's inherent authority  
5 and discretion to manage its own docket, this Court has the authority to grant the requested stay. Fed.  
6 R. Civ. P. 6(b) ("When an act may or must be done within a specified time the court may, for good  
7 cause, extend the time..."); Fed. R. Civ. P. 26(a) ("A party or any person from whom discovery is  
8 sought may move for a protective order in the court where the action is pending...The Court may,  
9 for good cause, issue an order to protect a party or person from annoyance, embarrassment,  
10 oppression, or undue burden or expense."). Therefore, this Court has broad discretion to stay  
11 proceedings as incidental to its power to control its own docket – particularly where, as here, a stay  
12 would promote judicial economy and efficiency. *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998);  
13 *Sierra Club v. U.S. Army Corps of Engineers*, 446 F.3d 808, 816 (8th Cir. 2006) (citing *Clinton v.*  
14 *Jones*, 520 U.S. 681, 706 (1997)).

15 A stipulation to stay proceedings, like the Parties seek here, is an appropriate exercise of this  
16 Court's jurisdiction. See *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936) (explaining a court's  
17 power to stay proceedings is incidental to its inherent power to control the disposition of the cases  
18 on its docket to save the time and effort of the court, counsel, and the parties.)

19 The power to stay proceedings is incidental to the power inherent in every court to  
20 control the disposition of the causes on its docket with economy of time and effort  
21 for itself, for counsel, and for litigants. How this can best be done calls for the  
22 exercise of judgment, which must weigh competing interests and maintain an even  
23 balance.

24 *Id.* (citing *Kansas City S. Ry. Co. v. United States*, 282 U.S. 760, 763 (1931)); see also, *CMAX, Inc.*  
25 *v. Hall*, 300 F.2d 268 (9th Cir. 1962) (district courts possess "inherent power to control the  
26 disposition of the cases on its docket in a manner which will promote economy of time and effort for  
27 itself, for counsel, and for litigants"); *Garlock Sealing Tech., LLC v. Pittsburgh Corning Corp. (In*  
28 *re Pittsburgh Corning Corp.)*, No. 11-1406, 11-1452, 2012 U.S. Dist. LEXIS 86193, at \*11 (W.D.  
Mo. June 21, 201) (noting a court's power to stay proceedings is incidental to its power to control  
the disposition of the cases on its docket).

1 Furthermore, Federal Rules of Civil Procedure (26(c) and 26(d) also vest the Court with  
2 authority to limit the scope of discovery or control its sequence and may grant a stay to allow parties  
3 to negotiate a settlement. *Britton*, 523 U.S. at 598.

4 **B. Good Cause Exists to Grant the Requested Stay**

5 As noted herein, Plaintiffs and Defendants have reached a settlement in principle and are  
6 currently working to finalize all necessary documentation regarding the same. As such, the Parties  
7 do not seek the stay requested herein in bad faith but instead seek to stay all proceedings in the  
8 interest of efficiency and judicial economy. Granting the stay here will unquestionably save the time  
9 and effort of this Court, counsel, and the parties, and provide counsel with an opportunity to finalize  
10 the settlement of this case without any additional litigation expense.

11 Facilitating the Parties' efforts to resolve this dispute entirely through settlement is reasonable  
12 and constitutes good cause for granting the requested stay. The Parties agree that the relief sought  
13 herein is necessary to handle and resolve this case in the most economical fashion, and that the relief  
14 sought in this stipulation is not for delay, but in the interest of efficiency.

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III. CONCLUSION

For the foregoing reasons, the Parties respectfully request that this Court enter a stay of all activity in this case, for a period of ninety (90) days. If Plaintiffs have not filed dismissal papers within ninety (90) days from the stay being granted, the Parties request the opportunity to file a joint status report regarding the status of the settlement.

Respectfully submitted,

DATED this 22<sup>nd</sup> day of October, 2021.

**HENNESS & HAIGHT**

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**Order**

**IT IS SO ORDERED**

**DATED:** 3:15 pm, October 26, 2021



**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on **October 22, 2021**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

I hereby certify that I have deposited a copy of the foregoing document deposited a copy in United States Postal Service to be delivered to the following non-ECF participants:

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